

**AUGUST 24, 2010 MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:00 – 6:35 p.m.**

COUNCIL MEMBERS PRESENT: D. Coe, E. Elphick, L. McIntosh, J. Pendergraph, R. West

OTHER OFFICIALS PRESENT: S. Wright, City Manager
T. Raney, Community Development Director
D. Schilling, City Engineer
M. McCrary, Police Chief

PLEDGE OF ALLEGIANCE:

Council member Jay Pendergraph led the pledge of allegiance.

PUBLIC COMMENT

None.

CONSENT CALENDAR

It was moved by Council member J. Pendergraph, seconded by D. Coe to approve minutes from the regular meeting on August 10, 2010. Vote called – AYES: All. Motion carried.

PUBLIC HEARING

1) S. Wright presented discussion of the Solid Waste Adjustment for 2010. Wright explained that each year pursuant to the existing franchise agreement for solid waste collection and disposal, consideration is given to a rate adjustment. The City is a member of the Yuba Sutter Waste Management Authority and through their staff and consultant work the attached staff report and evaluation report have been prepared analyzing the various factors that need to be considered related to a rate adjustment. These reports were submitted to the RWMA administrators (City Managers and County Administrators) who recommended approval of the adjustment. The matter then went to the RWMA Board (McIntosh/Coe serve from Wheatland) who subsequently also recommended approval. The issue now goes to each governing body of the RWMA for consideration. There is a net 1% increased recommended adjustment to refuse collection rates this year. Issues related to the rate stabilization fund, diesel fuel prices, vehicle retrofit plan and diversion performance standards are outlined in the attached staff report and evaluation report. RWMA Administrator, Keith Martin presented information from the Collection Rate Adjustment Application Evaluation Report.

Public Comment

W. Harrison commented on the franchise fee and the annual dumpsters provided for residents.

It was moved by Council member D. Coe, seconded by R. West to approve **Amendment to the City Solid Waste Franchise Agreement**. Vote called – AYES: All. Motion carried.

REGULAR CALENDAR

1) D. Schilling presented discussion of the Tourist Oriented Directional Signs (TODS). Schillings explained that in 1994 the State of California authorized its Tourist Oriented Directional Sign (TODS) legislation (Assembly Bill 2339) and formulated the TODS program. The purpose of the program is to guide out-of-town travelers to off-highway tourist oriented businesses in California. The Bill required that Caltrans establish standards, criteria, administer and charge a fee to place and maintain TODS. The legislation was codified in the Streets and Highways Code Division 1, Chapter 1.5 (attached). Standards for signs were developed and incorporated into the California Manual of Uniform Traffic Control Devices (California MUTCD) (attached). The signs are intended to guide motorists to locations that are not visible from the highway, be generic in content and are not to serve as an advertisement (specific business names and information are not allowed on TODS). All construction, permitting, maintenance and replacement costs are the responsibility of the applicant. On July 6, 2010, the City received a request from Bishop's Pumpkin Farm to install two tourist oriented signs within the City limit. The request proposed that two 1-ft by 4-ft signs be placed on Highway 65 near 4th Street (one facing northbound and one facing southbound) to assist tourist in finding the Pumpkin Farm. Prior to this request the Pumpkin Farm contacted Caltrans with the same request and, because Caltrans policy does not allow TODS in city limits, Caltrans suggested that the applicant contact the City for approval. Staff has reviewed the applicant's request, applicable sections of the Streets and Highways Code, and applicable sections of the California MUTCD. Staff concurs with the intent of the State's TODS program and the applicant's request, and is of the opinion that the proposed signs will facilitate the flow of tourist traffic attempting to reach the Bishop's Pumpkin Farm. The applicant will be responsible for reimbursing the City for any costs associated with the installing and maintaining the signs. Furthermore, the applicant will be required to pay the City an annual maintenance fee in accordance with the Streets and Highways Code. Sign layouts and installation details will be reviewed and approved by the City Engineer prior to installation. The applicant will also be required to obtain an encroachment permit from Caltrans for placing the signs in the State right-of-way.

It was moved by Council member R. West, seconded by D. Coe to **authorize the City Manager to approve the request from Bishop's Pumpkin Farm to install two tourist oriented directional signs on Highway-65 near 4th Street in accordance with applicable state regulations and standards.** Vote called – AYES: All. Motion carried.

***Council member Jay Pendergraph left the meeting.*

2) T. Raney presented discussion of and urgency interim ordinance to prohibit the establishment of medical marijuana dispensaries in all zoning districts within the City. Raney explained that in 1996, the California voters enacted Proposition 215, the Compassionate Use Act (the "CUA") to authorize the use of medical marijuana. In 2003, the Legislature enacted the state Medical Marijuana Program (the "MMP"), which created rules and regulations to, among other things, regulate the operation of medical marijuana dispensaries. In response to the CUA and MMP, several cities have experienced an influx of medical marijuana dispensaries. For example, in the City of West Hollywood, seven dispensaries were established during a 1-year period. In the state Court of Appeal's decision in *City of Claremont v. Kruse* (2009) 177 Cal.App.4th 1153, the Court of Appeal held that cities may regulate or prohibit medical marijuana dispensaries through zoning ordinances. Cities have taken different approaches to addressing the adverse secondary effects of medical marijuana dispensaries, which include loitering, increased pedestrian, and vehicle traffic, increased noise, and impacts on surrounding property owners. Some cities, such as the Cities of Marysville and Sacramento, have enacted zoning ordinances to regulate medical marijuana dispensaries within those cities. Other cities, such as the Cities of Davis and Rocklin, have enacted zoning ordinances that prohibit medical marijuana dispensaries from locating within those cities.

It was moved by Council member D. Coe, seconded by R. West to **adopt Ordinance No. 422 Amending Wheatland Municipal Code Title 18 Regarding Medical Marijuana Dispensaries** to preserve the status quo within the City by prohibiting the establishment of medical marijuana dispensaries within all City zoning districts while the City Planning Commission and City Council consider a regular zoning ordinance to address the establishment of medical marijuana dispensaries within the City. Roll call voted called – AYES: Coe, West, Elphick and McIntosh. ABSENT: Pendergraph. Motion carried.

REPORTS

R. West reported on the SACOG meeting and the Ad-Hoc committee meeting regarding development agreements.

D. Coe commented on striping First Street.

ADJOURN

There being no further business, Council member Rick West adjourned the meeting in memory of Bill Lewis at 6:35 p.m.

Minutes approve and adopted this 14th day of September, 2010.

Enita Elphick, *Mayor*

Lisa J. Thomason, *City Clerk*